

**Arizona State
Board of Homeopathic Medical Examiners
Minutes of Regular Meeting
November 13, 2003**

I. CALL TO ORDER

Presiding officer, Bruce Shelton, MD, MD(H), called the meeting to order at 9:00 a.m.

ROLL CALL

BOARD MEMBERS PRESENT:

Bruce Shelton, MD, MD(H), President
Charles Schwengel, DO,MD(H), Vice President
Joan Heskett, Public Member, Secretary/Treasurer
Garry Gordon, MD, DO, MD(H)
Anna Marie Prassa, Public Member
Annemarie Welch, MD, MD(H), Professional Member

Mark Harris, Assistant Attorney General and Christine Springer, Executive Director were also present.

II. REVIEW/APPROVAL OF MINUTES

Ms. Prassa made a motion adopting the September 9, 2003 Regular Meeting Minutes. Dr. Welch seconded the motion that passed 6-0.

A motion approving the September 9, 2003 Executive Session Minutes was made by Ms. Prassa and seconded by Mrs. Heskett. Motion passed 6-0.

**III. REVIEW, CONSIDERATION AND ACTION – REQUEST OF
JONATHAN KIRSH, D.O. TO REINSTATE LICENSE NO. 113**

Dr. Kirsch's license expired on April 1, 2003. He had been incapacitated due to a serious illness. The Board statutes (A.R.S. §32-2915(E)) do not grant the board the ability to reinstate a license. Mrs. Heskett made a motion denying reinstatement. Dr. Gordon seconded the motion that passed unanimously.

The executive director was directed to write to Dr. Kirsch informing him of the Board's decision and include application materials should he decide to apply for a new license. The Board concurred that Dr. Kirsch would not be subject to the examination process. Mrs. Springer pointed out that it would be much less expensive for the doctor to reapply than to pay two years of renewal fees.

IV. REVIEW, CONSIDERATION AND ACTION – HOMEOPATHIC MEDICAL ASSISTANT APPLICATIONS

Linda Anderson and Audry Ward

The Board reviewed application materials regarding the applicants' request to register as medical assistants to Dr. Todd Rowe. Dr. Gordon made a motion approving both requests. Motion seconded by Ms. Prassa and passed unanimously.

Patricia Thode

The Board reviewed application materials regarding the applicant's request to register as a medical assistant to Dr. Marnie Vail. Dr. Gordon made a motion to approve the request. Motion seconded by Dr. Schwengel and passed unanimously.

Wanda Lachowicz

Wanda Lachowicz and Dr. Frank George were present a 9:30 a.m. to respond to questions from the Board. The interview was required by *AAC R4-38-310(D)* which states that a personal interview with the supervising physician and the assistant (If the assistant is either a previously licensed practitioner or licensed as a health care practitioner in another country) shall be conducted. (Wanda Lachowicz is a trained physician in Poland). Dr. George explained the job duties he anticipated Dr. Lachowicz would perform. Dr. Gordon made a motion approving the application. Dr. Welch seconded the motion.

During discussion Mrs. Heskett offered an amendment asking that Dr. George provide a letter to the Board indicating he agrees to comply with the terms of *AAC R4-38-301(H)* which defines how a physician shall supervise a medical assistant. A.A.G. Harris noted that a professional is already required to follow all rules and it is an inherent responsibility to ensure that the rules and laws of the state are followed. Mrs. Heskett withdrew the amended motion.

The original motion passed unanimously.

V. REVIEW, CONSIDERATION AND POSSIBLE ACTION REGARDING INVESTIGATIONS/COMPLAINTS

1. New Matters

04-02 Garry Gordon, MD, DO, MD(H) vs. Anonymous

This matter was referred by the AMB. Dr. Gordon was recused. In response to a direct question from Dr. Schwengel, Dr. Gordon explained that the information sent to the Board from the AMB appeared to have been a printout from an Internet website known as the Alternative Physician Hall of Fame. He explained that he had not placed his resume on the Internet website. Dr Gordon also explained that his MD title had been granted by the State of California when they assigned the MD designation to all licensed D.O.'s.

AAG Harris stated that a professional has a duty to disclose that they are not licensed in the state where literature is being distributed. If the literature is part of an Internet website any steps the professional takes to control the information would be looked upon favorably by the regulatory board where the professional's license is in question.

There was general discussion about how the complaint was forwarded to the Board. Dr. Welch moved to dismiss the matter. Motion seconded by Dr. Schwengel and passed with a majority vote. 5-0 (Dr. Gordon recused).

LC2003-000767-0010T Fry vs. State

A motion was made by Ms. Prassa and seconded by Dr. Welch to adjourn to Executive Session for legal advice pursuant to A.R.S. §38-431.03(A) at 9:15 a.m. Motion carried unanimously. The Board returned to the Regular Session at 9:20 a.m.

2. *Previous Matters*

03-12 Walter Gene Schroeder, MD, MD(H)

Mrs. Springer presented a status report and explained that the Board's previous review of this matter (in 1999 when AMB had first forwarded the information to the Board for review) showed Dr. Schroeder to be in compliance with accepted chelation protocols. Furthermore, chelation peer reviews conducted each year had found Dr. Schroeder in compliance with accepted protocols. Her review of the records forwarded in the instant matter by the AMB indicate one patient (D.D.) received chelation therapy in 1999. She asked the Board whether they wanted to hire an outside consultant to review the small amount of material relating to the provision of chelation therapy.

Dr. Gordon noted that the Board had reviewed the records in the matter which are in order. He could find no violation of the homeopathic statutes and made a motion to dismiss the case. Dr. Schwengel seconded the motion that passed unanimously.

Dr. Welch inquired about Dr. Schroeder's censure at the AMB. Mrs. Heskett expressed concern about further discussion after a vote is taken. AAG Harris noted the matter had been placed on the agenda as a status report. He was concerned that a vote had been taken and suggested the matter be placed on the agenda of the January 13, 2004 regular meeting for discussion and vote. The executive director can update the Board about the censure issued by the AMB with a memorandum.

3. **03-12 D.P. for T.P. vs. Kathleen Fry, MD, MD(H)**

Mrs. Springer provided a status report concerning the bid process necessary to hire an outside investigator. Dr. Welch expressed concern that given the small

amount of material directly related to the provision of homeopathic treatment she did not believe an outside consultant was necessary. Dr. Gordon stated that the proposed contract did not allot sufficient money to hire a trained consultant. He indicated that a more acceptable fee would be \$150 per hour and the cap should be \$2000. Ms. Prassa made a motion to dismiss the matter stating that she did not believe Dr. Fry violated any homeopathic practices. Dr. Welch seconded the motion and discussion followed. AAG Harris reminded the Board that the agenda indicated status report only. He asked the Board to place the matter on the January 13, 2004 meeting agenda for discussion and vote. Ms. Prassa withdrew her motion to dismiss and the matter was tabled.

VI.. REVIEW, CONSIDERATION AND ACTION ON PROFESSIONAL BUSINESS

1. The list of misdemeanors and felonies that fall under the disclosure provisions of HB 2361 (mandatory reporting of criminal charges) were discussed. The assistant attorney general explained that the need to disclose would apply to applicants and licensees. In response to a question from Dr. Gordon, Mr. Harris noted that if the charge is from another state it would also fall within the intent of the statute and must be disclosed within ten days of the charge. Failure to comply with the law would be an act of unprofessional conduct. The list of misdemeanors and felonies should be posted on the Board's website.
2. Dr. Gordon reviewed Dr. Grout's protocols and informed consents and noted that the IV dosage should be changed to 50 mg./Kg. dose. He made a motion approving the protocols and consents as amended. Ms. Prassa seconded the motion that passed unanimously.
3. Dr. Shelton recused himself from the discussion of the Department of Revenue proposed rules regarding Title 15. Revenue, Chapter 5 Transaction Privilege and Use Tax Section R15-5-156 Sales of Prescription Drugs and Prosthetic Appliances. Dr. Schwengel chaired this portion of the meeting as the Board reviewed language recommending amendments to the proposed rules and contained in a memorandum prepared by Derek Palanchian, Esq. Dr. Gordon moved to concur with those recommended changes. Mrs. Heskett seconded the motion that passed with a majority vote. The Board directed the executive director to prepare a letter to the Department of Revenue indicating the Board's vote requesting that the Department adopt the language contained within the memorandum prepared by Mr. Palanchian.
4. Fuller Royal's letter to the Board regarding proposed waiver of an examination pursuant to ARS 32-2913(A)(2) for Nevada homeopathic physicians was reviewed. The executive director was asked to contact Mr. Fuller to schedule a future teleconference on the proposal.
5. Correspondence from Mr. Siers regarding expansion of licensure eligibility to include homeopathic practitioners was discussed briefly. The general consensus of the board was that the homeopathic practitioner should be regulated but that a statutory change would be necessary. Dr. Shelton noted that the Sunset Review in 2005 may be the appropriate time to consider expansion of the statute to include homeopathic practitioners.

6. The Examination Committee presented an extensive discussion about their proposal to make the written examination available on-line. Dr. Gordon explained that the questions could be placed on our website for easy access. He also noted that the website, Mind Flash, could be utilized to place the information and examination materials on the web. One suggestion was to ask the homeopathic physician's association members to volunteer to develop a small section of knowledge based information that the committee could use to develop examination questions. Additional discussion will be held on this topic at a future meeting.

VII. CALL TO THE PUBLIC

Lynette Evans, Special Assistant to the Governor introduced herself and indicated that she was visiting each board and commission to gain a greater understanding of their missions. She thanked the board members for volunteering their service to the board and indicated the Governor's appreciation. Dr. Shelton thanked her for her time and indicated that the State could save money by utilizing homeopathic remedies.

VIII. FUTURE AGENDA ITEMS

Examination Committee issues

CLOSE OF BUSINESS/ADJOURNMENT

The meeting adjourned at 10:45 a.m. following a motion by Mrs. Heskett. Ms. Prassa seconded the motion that passed unanimously. The next Regular Meeting of the Board will convene at the State Board's Offices, 1400 W. Washington, Basement Conference Room B-1, Phoenix, Arizona, 9:00 AM, on **January 13, 2004.**

Respectfully Submitted,

Christine Springer
Executive Director